

SENATE BILL REPORT

HB 1081

As Reported By Senate Committee On:
Judiciary, April 1, 2005

Title: An act relating to requiring prehire screening for law enforcement applicants.

Brief Description: Requiring prehire screening for law enforcement applicants.

Sponsors: Representatives McDonald, O'Brien, Morrell, Pearson and Esser.

Brief History: Passed House: 2/11/05, 98-0.

Committee Activity: Judiciary: 3/17/05, 4/1/05 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Johnson, Ranking Minority Member; Carrell, Hargrove, Rasmussen and Thibaudeau.

Staff: Lilah Amos (786-7429)

Background: The Criminal Justice Training Commission (CJTC) provides basic law enforcement training, corrections training, and educational programs for criminal justice personnel. All law enforcement personnel, with the exception of volunteers, must commence a 720-hour basic training program within six months of employment unless the requirement is waived or extended by the CJTC. In addition to successful completion of training, all Washington law enforcement officers must obtain and maintain certification as a peace officer.

Grounds for denying or revoking certification as a peace officer include failing to complete basic training, falsifying or omitting material information on an application, conviction of a felony (with a limited exception), discharge for disqualifying misconduct, and interfering with an investigation or with an action for revocation or denial of certification.

It is a misdemeanor to condition employment or the continuation of employment on the taking of a lie detector test, except that persons making an initial application for employment with any law enforcement agency can be required to take a lie detector test. Although not statutorily required, the Washington State Patrol and several local law enforcement agencies require peace officers to take and successfully pass a psychological examination and polygraph test as a part of their initial hiring process.

Summary of Amended Bill: All persons who have been conditionally offered employment as fully commissioned peace officers or reserve officers must take and successfully pass a psychological examination and a polygraph test or similar assessment procedure before being certified as a peace officer. Any person whose peace officer certification has lapsed as a result of a break of more than twenty-four consecutive months in service as a fully

commissioned peace officer or reserve officer is subject to polygraph and psychological exam requirement before recertification can occur. Persons applying to be Washington State Patrol officers must successfully complete a psychological examination and a polygraph examination or similar assessment procedure.

The testing will be administered by county, city, or state law enforcement agencies. The employing law enforcement agency may require that the applicant pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. The agency may establish a payment plan if the officer does not readily have the means to pay the required portion of the testing fee.

Amended Bill Compared to Original Bill: Psychological testing must be conducted by a licensed psychiatrist or psychologist. Minimum testing must consist of a standardized clinical test which complies with accepted psychological standards. The polygraph examination must be given by an experienced polygrapher who is a graduate of a polygraph school accredited by the American Polygraph Association.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Because law enforcement officers are given the power to enforce our laws, it is in society's best interest to insure that the most qualified candidates are hired. Local governments have been held liable for the criminal or improper acts of police officers. These tests will help reduce the frequency and seriousness of tort claims based on officer conduct. Only those who have been offered conditional employment will be required to take and pass psychological and polygraph tests. Many large agencies are already doing this testing.

Testimony Against: The bill as drafted does not require that the testing be performed by competent and qualified individuals. Testing will do no good if those choosing which tests to use and conducting the tests are not capable of providing accurate results or choose not to do so. Without more stringent testing requirements, law enforcement agencies will still be free to hire whoever they want and the purpose of the law will not be served.

Who Testified: PRO: James McMahan, Washington Association of Sheriffs and Police Chiefs.

CON: Harold Chambers, citizen.